

Memorandum



Date: September 4, 2007

Agenda Item No. 8(A)(1)(D)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Ruggieri
County Manager

Subject: Ratification of Acceptance and Execution of Third Supplemental Joint Participation Agreement No. 41254119401 with the Florida Department of Transportation (FDOT) for a reduction of \$1,555,000 in FDOT funding.

Recommendation

It is recommended that the Board adopt the attached resolution ratifying the actions of the County Manager, pursuant to provisions of the Aviation Department's Expedite Ordinance No. 95-64, codified as Section 2-285 (6) of the Miami-Dade County Code, in accepting and executing the Third Supplemental Joint Participation Agreement (SJPA) between Miami-Dade County and the State of Florida Department of Transportation (FDOT), relating to construction and outfitting of two Airport Operations Control Centers (AOCCs) at Miami International Airport under Financial Project Number 41254119401, to reflect a reduction of \$1,555,000 in FDOT funding for a revised FDOT funding of \$6,145,000 for the AOCCs project.

Scope

The project associated with this SJPA is located within Commission District Six, Commissioner Rebeca Sosa. However, the impact of this project is Countywide in nature as Miami International Airport is a regional asset.

Fiscal Impact

This SJPA represents a reduction of \$1,555,000 in FDOT funding for the subject project due to scope reduction for a total FDOT funding of \$6,145,000.

Project Monitor

Franklin Stirrup, MDAD Project Manager

Background

The AOCCs project is an airport security initiative designed to improve and enhance security at MIA. FDOT participation in this project was originally approved in Resolution No. R-730-03 as a Joint Participation Agreement with FDOT. The AOCCs costs were then estimated to be \$23,000,000 and FDOT's Fiscal Year 2002-2003 funding toward this project amounted to \$3,000,000.

Because of the availability of increased FDOT funding, the Board ratified the First Supplemental Joint Participation Agreement in Resolution No. R-702-04, under which FDOT's funding was increased for Fiscal Year 2003-2004 from \$3,000,000 to \$5,000,000.

In Resolution No. R-390-06, approved by the Board on April 25, 2006, the Board ratified the County Manager's execution of the Second SJPA under which FDOT's funding was increased for Fiscal Year 2005-2006 from \$5,000,000 to \$7,700,000.

Honorable Chairperson Bruno A. Barreiro
and Members, Board of County Commissioners
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The scope of work on the AOCCs project has been reduced by the Aviation Department to be consistent with the project's current approved Capital Improvement Program (CIP) budget of \$18,435,000. This has caused FDOT in turn to reduce its funding for the AOCCs project from the previous funding total of \$7,700,000 to \$6,145,000.

It is therefore recommended that the Board ratify the action of the County Manager in accepting and executing the Third SJPA reflecting the reduction in FDOT funding for the AOCCs project.


Assistant County Manager

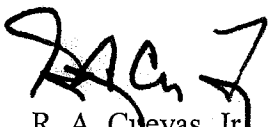


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: September 4, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(A)(1)(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(A)(1)(D)

09-04-07

RESOLUTION NO. _____

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING COUNTY MANAGER'S EXECUTION PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF THE MIAMI-DADE COUNTY CODE, OF THE THIRD SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UNDER WHICH FDOT'S FUNDING FOR THE AIRPORT OPERATIONS CONTROL CENTER PROJECT WILL BE REDUCED BY \$1,555,000 FOR FINANCIAL PROJECT NUMBER 41254119401

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and document, copies of which are incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves, ratifies, and confirms the actions of the County Manager, pursuant to the provisions of Section 2-285(6) of the Miami-Dade County Code, in accepting and executing a Supplemental Joint Participation Agreement (SJPA) Number 3 under Financial Project Number 41254119401 between Miami-Dade County and the Florida Department of Transportation (FDOT) under which FDOT's funding for the Airport Operations Control Centers project will be reduced in Fiscal Year 2006-2007 by \$1,555,000 for a total FDOT project funding of \$6,145,000 for such project.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

| | |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman | |
| Barbara J. Jordan, Vice-Chairwoman | |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of September, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. *TJA*

Thomas P. Abbott

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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number 3

725-030-07
PUBLIC TRANSPORTATION
04/07
Page 1 of 4

| | | |
|--|--|--|
| Financial Project No.: <u>41254119401</u> <small>(item-segment-phase-sequence)</small> Contract No.: <u>AN337</u> Catalog of Federal Domestic Assistance Number: <u>20-106</u> | Fund: <u>DDR</u> Function: <u>637</u> Federal No.: _____ DUNS No.: <u>7965455499</u> Catalog of State Financial Assistance Number: _____ | FLAIR Approp.: <u>088719</u> FLAIR Obj.: <u>790007</u> Org. Code: <u>55062020628</u> Vendor No.: <u>F596000573258</u> |
|--|--|--|

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and MIAMI-DADE COUNTY FLORIDA BY AND THROUGH MDAD P.O. BOX 025504 MIAMI, FL 33102-5504 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 28th day of May, 2003, entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of \$6,145,000.00

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.00 Project Description: The project description is amended

This is for the construction and outfitting of two Airport Operations Control Center. Functions will include to monitor and respond all incoming airport communication for, but not limited to airport security and safety; landside, airside, and terminal operations, aviation communications, police and fire.

This scope includes the procurement and installation of the software and hardware for these facilities. No other expenses incurred by the Agency shall be reimbursed under this agreement. Travel and administrative expenses such as soft costs are excluded from eligibility under this agreement.

If the installation of the equipment is to be done by in-house support employees, then the following applies.

1. Justification for doing the work by in-house employees rather than by contract.
2. Estimate the costs with details as to wage rates, non-salary expenses, indirect costs, and comparison of costs between the sponsor's in-house employees for the installation for the computers and the actual contracted installation/construction/service.

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2.00 Project Cost:

Paragraph 3.00 of said Agreement is decreased by \$-4,665,000.00
bringing the revised total cost of the project to \$ 18,435,000.00.

Paragraph 4.00 of said Agreement is decreased by \$-1,555,000.00
bringing the Department's revised total cost of the project to \$ 6,145,000.00.

3.00 Amended Exhibits:

Exhibit(s) "A" and "D" of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement n/a.

Financial Project No. 41254119401

Contract No. AN337

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated May 28th 2003
and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first
above written.

AGENCY

MIAMI-DADE COUNTY FLORIDA BY AND THROUGH
MDAD

AGENCY NAME

FDOT

See attached Encumbrance Form for date of Funding
Approval by Comptroller

Jose Abreu, PE

SIGNATORY (PRINTED OR TYPED)

SIGNATURE

Commission Director

LEGAL REVIEW

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

D6-Director of Transportaion Development

TITLE

Approved as to form
and legal sufficiency

Assistant County Attorney

Financial Project No. 41254119401

Contract No. AN337

Agreement Date _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and MIAMI-DADE COUNTY FLORIDA BY AND THROUGH MDAD
P.O. BOX 025504 MIAMI, FL 33102-5504

dated _____

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

This supplemental agreement is only amending the scope of work and the project total budget. This agreement also reduces the Department's participation. This adjustment was made based on the Capital Project Fact Sheet provided by the Agency.

| I. | Project Cost: | As Approved | As Amended | Net |
|----|--------------------|-----------------|-----------------|-----------------|
| | | \$23,100,000.00 | \$18,435,000.00 | \$-4,665,000.00 |
| | Total Project Cost | \$23,100,000.00 | \$18,435,000.00 | \$-4,665,000.00 |
| I. | Fund | As Approved | As Amended | Net |
| | Department: | \$7,700,000.00 | \$6,145,000.00 | \$-1,555,000.00 |
| | Agency: | \$15,400,000.00 | \$12,290,000.00 | \$-3,110,000.00 |
| | | \$0.00 | \$0.00 | \$0.00 |
| | Total Project Cost | \$23,100,000.00 | \$18,435,000.00 | \$-4,665,000.00 |

Comments:

III. MULTI-YEAR OR PREQUALIFIED PROJECT FUNDING

If a project is a multi-year or prequalified project subject to paragraphs 4.10 and 17.20 of this agreement, funds are programmed in the Department's Work program in the following fiscal year(s):

| | | | |
|----|--------|----|--------|
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |
| FY | \$0.00 | FY | \$0.00 |

Project years may be advanced or deferred subject to Legislative appropriation or availability of funds.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #AN337 Contract Type: AG Method of Procurement: G
Vendor Name: MIAMI DADE COUNT
Vendor ID: VF596000573258
Beginning date of this Agmt: 05/28/03
Ending date of this Agmt: 01/20/09
Contract Total/Budgetary Ceiling: ct = \$6,145,000.00

Description:
Security Operations Control Center Part 1542, 1544

ORG-CODE *EO *OBJECT *AMOUNT *FIN PROJECT *FCT *CFDA
(FISCAL YEAR) *BUDGET ENTITY *CATEGORY/CAT YEAR
AMENDMENT ID *SEQ. *USER ASSIGNED ID *ENC LINE(6S)/STATUS

Action: SUPPLEMENTAL Funds have been: APPROVED

55 062020628 *PT *790007 * -500000.00 *41254119401 *637 *20.106
2004 *55100100 *088719/04
S004 *00 * S004 *0003/04

Action: SUPPLEMENTAL Funds have been: APPROVED

55 062020628 *PT *790007 * -1055000.00 *41254119401 *637 *20.106
2004 *55100100 *088719/04
S004 *01 * S004 *0004/04

TOTAL AMOUNT: *\$ -1,555,000.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 03/30/2007

E-mails are automatically scanned for viruses using McAfee.

EXHIBIT D

725-030-06
PUBLIC TRANSPORTATION
04/06

Financial Project No. 41254119401

Contract No. AN337

FEDERAL and/or **STATE** resources awarded to the recipient pursuant to this agreement should be listed below. If the resources awarded to the recipient represent more than one Federal or State program, provide the same information for each program and the total resources awarded. **Compliance Requirements** applicable to each Federal or State program should also be listed below. If the resources awarded to the recipient represent more than one program, list applicable compliance requirements for each program in the same manner as shown here:

- (e.g., Eligibility requirements for recipients of the resources)
- (Etc...)

NOTE: Instead of listing the specific compliance requirements as shown above, the State awarding agency may elect to use language that requires the recipient to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. The State awarding agency, if practical, may want to attach a copy of the specific law, rule, or regulation referred to.

FEDERAL RESOURCES

| <u>Federal Agency</u> | <u>Catalog of Federal Domestic Assistance (Number & Title)</u> | <u>Amount</u> |
|-----------------------|--|---------------|
|-----------------------|--|---------------|

Compliance Requirements

- 1.
- 2.
- 3.

STATE RESOURCES

| <u>State Agency</u> | <u>Catalog of State Financial Assistance (Number & Title)</u> | <u>Amount</u> |
|---------------------|---|---------------|
|---------------------|---|---------------|

| | | |
|------|------------------------------------|-----------------|
| FDOT | 55.004 Aviation Development Grants | \$ 6,145,000.00 |
|------|------------------------------------|-----------------|

Compliance Requirements

1. In developing audit procedures to test compliance with the requirements for a state project, the auditor should first look to Part Two, Matrix of Compliance Requirements, to identify which of the 10 types of compliance requirements described in Part Three of the Compliance Supplement are applicable and then look to Parts Three and Four for the details of the requirements.

Activities Allowed

Airport Planning

Airport Planning Grants are to study options for airport development and operations. The Department funds airport master plans, airport layout plans (ALP), noise and environmental studies, economical impact, services development, and airport promotion. Examples of projects are:

- Master plans and ALPs;
- Master drainage plans;
- Environmental assessments (EA);
- Development of regional impact (DRI);
- Operations and emergency response plans;
- Federal Aviation Regulations (FAR) Part 150 noise studies;

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- Environmental impact studies (EIS);
 - Wildlife hazard studies;
 - Feasibility and site selection studies;
 - Business plans;
 - Airport management studies and training;
 - Air services studies and related promotional materials.
- (FDOT Aviation Grant Program Handbook)

Airport Improvement

These grants are to provide capital facilities and equipment for airports. Examples of projects are:

- Air-side capital improvement projects (runways, taxiways, aprons, T-hangers, fuel farms, maintenance hangers, lighting, control towers, instrument approach aids, automatic weather observation stations);
 - Land-side capital improvement projects (terminal buildings, parking lots and structures, road and other access projects);
 - Presentation projects (overlays, crack sealing, marking, painting buildings, roofing buildings, and other approved projects);
 - Safety equipment (including AARF fire fighting equipment and lighted Xs);
 - Safety projects (tree clearing, land contouring on overrun areas, and removing, lowering, moving, and marking, lighting hazards);
 - Information technology equipment (used to inventory and plan airport facility needs);
 - Drainage improvements.
- (FDOT Aviation Grant Program Handbook)

Land Acquisition

This grant program protects Florida's citizens from airport noise and protects airport clear zones and runway approach areas from encroachment. Administrative Costs, appraisals, legal fees, surveys, closing costs and preliminary engineering fees are eligible costs. In the event the negotiation for a fair market value is unsuccessful, the court will be petitioned for "an Order of Taking" under the eminent domain laws of Florida. Examples of projects are:

- Land acquisition (for land in an approved master plan or ALP);
 - Mitigation land (on or off airport);
 - Aviation easements;
 - Right of way;
 - Approach clear zones.
- (FDOT Aviation Grant program Handbook)

Airport Economic Development

This grant program is to encourage airport revenue. Examples of projects are:

- Any airport improvement and land purchase that will enhance economic impact;
 - Building for lease;
 - Industrial park infrastructure and buildings;
 - General aviation terminals that will be 100 percent leased out;
 - Industrial park marketing programs.
- (FDOT Aviation Grant Program Handbook)

Aviation Land Acquisition Loan Program

The Department provides interest free loans for 75 percent of the cost of airport land purchases for both commercial service and general aviation airports.

EXHIBIT D

725-030-06
PUBLIC TRANSPORTATION
04/06

This is a general description of project types. A detail list of project types approved for these grant programs can be found in the Aviation Grant Program manual which can be accessed through the internet at www.dot.state.fl.us/Aviation/Public.htm.

Matching

Commercial Service Airports

When no federal funding is available, the Department provides up to 50 percent of the project costs. (FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

General Aviation Airports

When no federal funding is available, the Department provides up to 80 percent of project costs. (FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

Economic Development

The Department provides up to 50 percent of airport economic development funds to build on-airport revenue-producing capital improvements. This program is for local match only. (FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

Airport Loans

The Department provides a 75 percent loan program to fund the Aviation Land Acquisition Loan Program. (FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

Matching Resources for Federal Programs

| <u>Federal Agency</u> | <u>Catalog of Federal Domestic Assistance (Number & Title)</u> | <u>Amount</u> |
|-----------------------|--|---------------|
|-----------------------|--|---------------|

Compliance Requirements

- 1.
- 2.
- 3.

NOTE: Section .400(d) of OMB Circular A-133, as revised, and Section 215.97(5)(a), Florida Statutes, require that the information about Federal Programs and State Projects included in this exhibit be provided to the recipient.